

DIGEST SUPPLEMENT

To Legislative Digest and History of Bills **Supplement No. 23***

FIFTY-SEVENTH LEGISLATURE

Thursday, February 8, 2001

32nd Day - 2001 Regular

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House Bills

HB 1856 by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods

Excusing student absences for state-recognized search and rescue activities.

Provides that, upon the approval of a student's parent and the principal of the student's school, a student may be excused from school for up to five days each year to participate in state-recognized search and rescue activities as defined in chapter 38.52 RCW and accompanying rules.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Education.

HB 1857 by Representatives Clements, Doumit, Cox, Dunshee, Grant and Mulliken

Reimbursing counties for public defense services.

Provides that, subject to legislative appropriation, quarterly an amount equivalent to one hundred dollars for each case for which an indigent person is provided public defense services for a criminal matter in the previous fiscal quarter statewide shall be transferred from the general fund to the criminal public defense account, to be administered by the director of the office of public defense.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Appropriations.

HB 1858 by Representatives Mastin and Grant

Modifying provisions on plumbers.

Revises provisions relating to specialty plumbing.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Commerce & Labor.

HB 1859 by Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley

Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes.

Exempts electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Technology, Telecommunications & Energy.

HB 1860 by Representatives Gombosky, Poulsen, Wood, Ruderman, Linville, Simpson, McIntire, H. Sommers, Lantz, Cooper, Berkey, Conway, Kenney, Santos, Kessler, Rockefeller, Lovick, O'Brien, Darneille, Keiser, McDermott, Kagi, Schual-Berke, Edmonds, Jackley and Van Luven

Funding the low-income energy assistance program.

Finds that: (1) The state is experiencing dramatic increases in the costs of electricity and natural gas, with increases averaging between thirty and seventy percent, as a result of many factors out of the state's direct control.

- (2) These unprecedented price increases have a disproportionate impact on the low-income citizens of the state because energy costs comprise a larger percentage of their available resources than families with moderate and higher incomes and approximately seventy-five percent of low-income homes use electric heat.
- (3) Every year, the state's low-income energy assistance program exhausts its resources before the end of the heating season. Typically, only seventeen percent of the eligible population is served in an average year.
- (4) Requests for assistance are expected to increase by over forty percent this winter, and the amount of heating assistance each household will need will also rise.
- (5) While the state has received emergency allocations from the federal government, the combined circumstances of increased need for help and the increased cost of energy make it likely that, even with the emergency federal assistance, fewer citizens will be served.

Declares an intent to provide immediate assistance to help mitigate the adverse consequences of this winter's rate increases on Washington's low-income citizens.

Appropriates the sum of two million dollars, or as much thereof as may be necessary, from the general fund to the department of community, trade, and economic development for the fiscal year ending June 30, 2001, for the low-income home energy assistance program.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Technology, Telecommunications & Energy.

HB 1861 by Representatives Mulliken and Dunn

Prohibiting courts from imposing unfunded mandates on political subdivisions of the state.

Provides that a court may not impose any additional policy or fiscal responsibilities for new programs or increased levels of service under existing programs on any political subdivision of the state unless the court is expressly authorized or required to do so by law and the court finds that under existing funding mechanisms the subdivision is currently fully budgeted for or will be fully reimbursed by the state for the costs of the new programs or increases in service levels.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

HB 1862 by Representatives Ruderman, Barlean, Keiser, McIntire, Jarrett, McDermott, Conway, Santos, Edwards, Esser, Simpson, Quall, Cairnes, Kagi, Schual-Berke and Edmonds

Creating a housing allowance program for nonsupervisory educational employees.

Finds that, as the disparity in the cost-of-living between school districts across the state has grown in recent years, the purchasing power of equalized salaries has become more disparate for K-12 employees. A major contributor to these costs is housing.

Declares the purpose of this act is to provide a housing allowance for nonsupervisory public school employees in order to minimize disparities in purchasing power among educational employees across the state.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Education.

HB 1863 by Representatives Kagi, Ballasiotes, O'Brien, Dickerson, Darneille and Wood

Revising penalties for drug offenses. Revises penalties for drug offenses.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Criminal Justice & Corrections.

HB 1864 by Representatives Dickerson, Casada and McIntire

Revising information requirements in family law court files.

Revises information requirements in family law court files.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

HB 1865 by Representatives G. Chandler and Grant

Changing watershed planning provisions.

Amends RCW 90.82.060 relating to irrigation districts acting as initiating governments for watershed planning.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1866 by Representatives B. Chandler, Wood, Conway and Clements

Allowing certain employees to handle beer or wine.

Provides that licensees holding grocery store or beer and/or wine specialty shop licenses exclusively are permitted to allow employees of the nonretail class liquor licensee between the ages of eighteen and twenty-one to stock merchandise or handle beer or wine on or about the retail licensee's premises as long as there is an adult twenty-one years of age or older, employed by the retail licensee, on duty supervising the activities on the licensee's premises, however, nothing shall be construed to permit a nonretail licensee's employee, between the ages of eighteen and twenty-one, to handle, transport, or otherwise possess beer or wine beyond the premises of the retail licensee.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Commerce & Labor.

HB 1867 by Representatives Linville, Ruderman and Kagi

Providing salary bonuses for educational staff associates receiving board or association certification.

Provides that, in addition to the compensation received under the salary schedule adopted in accordance with RCW 28A.405.200, educational staff associates who have attained certification by the entities provided for in this section shall receive an annual fifteen percent salary bonus for the duration of their certification by those entities.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Education.

HB 1868 by Representatives Berkey, Reardon, Conway, Linville, Gombosky, Murray, Kessler, Santos, Darneille, Wood, Keiser and Schual-Berke

Providing a tax holiday for clothing and school supplies.

Declares that, subject to the conditions and limitations provided under this section, the tax levied by RCW 82.08.020 does not apply to the sale of a clothing item with a selling price of one hundred fifty dollars or less or to the sale of a school supply item with a selling price of fifty dollars or less during the period every year from 12:01 a.m., August 18th and ending 12:00 a.m., August 26th.

Declares that the provisions of chapter 82.12 RCW do not apply to the sale of a clothing item if the clothing item has a value of one hundred fifty dollars or less or to the sale of a school supply item if the school supply item has a value of fifty dollars or less and is purchased during the period from 12:01 a.m., August 18th and ending 12:00 a.m., August 26th of any year.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Finance.

HB 1869 by Representatives Mulliken, Mielke,
DeBolt, Sump, Doumit, Alexander,
Kessler, Boldt, Hatfield and Dunn

Encouraging job retention in rural counties.

Finds that, in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and rural prosperity; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based businesses that are consistent with existing and planned land use patterns; foster the private stewardship of the land; and enhance the rural sense of community and quality of life.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Local Government & Housing.

HB 1870 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Santos, Lovick, O'Brien, Wood, Edmonds and Jackley

Regarding water rights established under the authority of family farm permits.

Revises RCW 90.66.060 regarding water rights established under the authority of family farm permits.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1871 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Santos, Lovick, O'Brien, Wood, McDermott, Edmonds and Jackley

Changing provisions relating to reclaimed water. Revises provisions relating to reclaimed water.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1872 by Representatives Linville, G. Chandler, Quall, Morris, Grant, Simpson, Doumit, Rockefeller, Ogden, Gombosky, Santos, Lovick, O'Brien, Wood, McDermott, Kagi and Schual-Berke

Providing a tax deduction for water conservation measures.

Provides that in computing tax under chapter 82.16 RCW, there shall be deducted from the gross income those amounts expended to improve consumers' efficiency of water use or to otherwise reduce the use of water by the consumer.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1873 by Representatives G. Chandler and Linville

Declares that chapter 90.03 RCW shall not be construed as requiring the department to exercise the authorities granted by RCW 90.44.450. The authorities granted by RCW 90.44.450 are exclusively discretionary powers

Declares that chapter 90.44 RCW shall not be construed as requiring the department to exercise the authorities granted by RCW 90.44.450. The authorities granted by RCW 90.44.450 are exclusively discretionary powers.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1874 by Representatives Linville and G. Chandler

Changing provisions relating to water rights.

Directs the department of health to adopt as rules conservation and efficiency standards and safeguards that shall apply to the transmission of water to and the distribution of water by a public water system receiving water through an intertie approved after the effective date of this act. The standards shall apply to a public water system receiving such water if the public water system has at least one thousand service connections.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1875 by Representatives G. Chandler, Linville and Woods

Clarifying rights and duties of municipal water suppliers.

Declares that water rights shall be interpreted and administered in recognition of the distinctive role and legal duties that municipal water suppliers have to serve growing communities, specifically including but not limited to the following: Municipal water suppliers may acquire and retain water rights for reasonably anticipated future needs; water rights held by municipal water suppliers shall have a place of use consistent with applicable growth management and water system planning statutes; and reasonable diligence for fully developing new and existing water rights held by municipal water suppliers shall be interpreted consistent with the needs of growing communities for reasonable assurance of continued future water supply.

Declares an intent that municipal water suppliers shall comply with applicable environmental laws and rules, including those that provide for protection of fish habitat, and applicable state water conservation requirements.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

Metering or measuring water.

HB 1876 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Lovick, O'Brien, Hunt, Wood, Edmonds, Jackley and Santos

Regarding public water systems.

Provides that each year, the department of health shall determine the volume of water annually withdrawn by each public water system with one thousand or more service connections and shall determine the annual average amount of water withdrawn per service connection in the system.

Directs the department to group the systems by geographic areas with similar climatological characteristics and, using these averages and adjusted averages as appropriate, shall determine the annual average amount of water withdrawn per service connection in each such group. This average for the public water systems in each geographic group constitutes the water withdrawal target rate for the group.

Requires the department to publish these target rates annually.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1877 by Representatives G. Chandler and Linville

Regarding modifications of water rights.

Establishes a pilot project for purposes of evaluating means of reducing the current backlog of applications for changes, transfers, or amendments of existing water rights.

Declares an intent to allow the processing of applications for such changes, transfers, or amendments without regard to possible impairment of pending applications for new water rights in specific watersheds. While the legislature intends to assist the processing of such changes, transfers, and amendments, it does not intend to divert the department of ecology's efforts or in any other way deter the processing of applications for new water rights.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1878 by Representatives G. Chandler, Linville, Lovick, O'Brien, Wood, Edmonds and Jackley

Regarding water rights under family farm permits.

Revises provisions regarding water rights under family farm permits.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1879 by Representatives Linville, G. Chandler, Haigh, Delvin, Doumit, Cairnes, Rockefeller, Roach, Lantz and Cooper

Regarding public water systems.

Declares that water rights shall be interpreted and administered in recognition of the distinctive role and legal duties that municipal water suppliers have to serve growing communities, specifically including but not limited to the following: Municipal water suppliers may acquire and retain water rights for reasonably anticipated future needs; water rights held by municipal water suppliers shall have a place of use consistent with applicable growth management and water system planning statutes; and reasonable diligence for fully developing new and existing water rights held by municipal water suppliers shall be interpreted consistent with the needs of growing communities for reasonable assurance of continued future water supply.

Declares an intent that municipal water suppliers shall comply with applicable environmental laws and rules, including those that provide for protection of fish habitat, and applicable state water conservation requirements.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1880 by Representative Poulsen

Creating a pilot program for the protection of salmon spawning beds.

Directs the department to prohibit activities that harm or disturb the spawning beds of salmon and other fish on the Skagit river. Prohibited acts include, but are not limited to, wading in or standing on, driving motor vehicles or riding bicycles over, dragging boat anchors through, digging or removing spawning gravel, or any other physical disturbance of the nests of salmon or other fish.

Provides that the pilot project shall terminate July 1, 2010.

Requires that, upon completion of the pilot project, the department shall report to the legislature by December 31, 2010, on whether there was an increase in salmon numbers that can be attributed solely to the implementation of the project.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Natural Resources.

HB 1881 by Representatives Carrell, Woods, Benson, Reardon, Morris, Pennington, Anderson, O'Brien, Cairnes, DeBolt, Pflug and Hunt

Limiting liability for information provided by former or current employers to prospective employers.

Declares that an employer who discloses information about a former or current employee's job performance, conduct, or other work-related information to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual

employer or employment agency, is presumed to be acting in good faith and is immune from civil liability for such disclosure or its consequences.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

HB 1882 by Representative Delvin

Changing the name of the Washington association of sheriffs and police chiefs to Washington association of constables and police chiefs.

Changes the name of the Washington association of sheriffs and police chiefs to Washington association of constables and police chiefs.

-- 2001 REGULAR SESSION --

First reading, referred to Criminal Justice Feb 7 & Corrections.

HB 1883 by Representatives Lovick, Edwards, Fisher and Schual-Berke

Regulating carrying animals or persons in pickup beds. Regulates carrying animals or persons in pickup beds.

-- 2001 REGULAR SESSION --

First reading, referred to Transportation. Feb 7

HB 1884 by Representatives Ogden, Poulsen, Crouse and Kenney; by request of Department of Social and Health Services

Changing provisions relating to telecommunications services for hearing or speech impaired.

Revises provisions relating to telecommunications services for hearing or speech impaired.

-- 2001 REGULAR SESSION --

First reading, referred to Children & Feb 7 Family Services.

HB 1885 by Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Conway, Kessler, Hatfield and Anderson

Creating the small farm direct marketing assistance program.

Establishes the small farm direct marketing assistance program.

Requires the director to, by December 1, 2006, issue a report on the accomplishments of the small farm direct The report must be marketing assistance program. submitted to the committees of the senate and the house of representatives that have jurisdiction over agricultural issues. The report must be made available to the public.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

HB 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield

Reducing the tax on health products for animals. Reduces the tax on health products for animals. Takes effect August 1, 2001.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Finance.

HB 1887 by Representatives Linville, G. Chandler and Grant

Providing farmers with sales and use tax exemptions for certain propane and wood shavings.

Provides farmers with sales and use tax exemptions for propane and wood shavings used in the raising of chickens.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Finance.

HB 1888 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler, Hatfield and Van Luven

Providing tax exemptions and credits to dairy farmers.

Declares an intent to provide tax exemptions and credits to assist dairy farmers to comply with the dairy nutrient management act, chapter 90.64 RCW, and to assist public or private entities to establish and operate anaerobic digesters to treat dairy nutrients on a regional or on-farm basis.

-- 2001 REGULAR SESSION --

First reading, referred to Finance. Feb 7

HB 1889 by Representatives Lovick, Cairnes, Dunshee, Lantz, Dickerson, Hurst, Kenney, Wood and Ruderman

Providing for DNA testing of evidence.

Provides for DNA testing of evidence.

Provides that the act shall be null and void if appropriations are not approved.

-- 2001 REGULAR SESSION --

First reading, referred to Criminal Feb 7 Justice & Corrections.

HB 1890 by Representatives Keiser, Quall and Rockefeller; by request of Governor

Locke

Changing the authority of the professional educator standards board.

Finds and declares:

- (1) Public school educators and administrators should be afforded greater decision-making authority over licensing and standards of practice, responsibilities long held by members of other professions including law, medicine, nursing, engineering, and real estate;
- (2) Creation of a public, rule-making body whose sole focus is educator preparation, licensure, assessment, and standards of practice would be likely to bring greater focus and attention to the profession;
- (3) Professional educator standards boards are consumer protection boards, establishing policies to ensure the public that its practitioners are competent;
- (4) The highest possible standards for all educators are essential in ensuring attainment of high academic standards by all students; and
- (5) Granting educators the authority to determine standards for entry to or continuation in the profession of education could become an important form of acknowledgment of the value of teachers and administrators and would represent the high level of trust, as professionals, that teachers and administrators have earned and to which they are entitled.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Education.

HB 1891 by Representatives Mulliken, Schoesler, Veloria, B. Chandler, Van Luven, Linville, G. Chandler, Conway and Dunn

Increasing the international trade of Washington state agricultural products.

Finds that the export market for Washington's agricultural products has dropped significantly in recent years and that such a drop has negatively impacted the economy in Washington's agricultural regions.

Declares an intent to enhance Washington's international trade of agricultural products by increasing funding for the Washington state department of agriculture's international marketing program in an effort to promote marketing of Washington's products and to assist the agricultural industry in efforts to reduce trade barriers that stand in the way of trade in new and emerging markets.

Makes appropriations to carry out the purposes of the act.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Trade & Economic Development.

HB 1892 by Representatives Linville and G. Chandler

Regulating agricultural commodity boards and commissions.

Revises provisions for the regulation of agricultural commodity boards and commissions.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & Ecology.

House Joint Resolutions

HJR 4213 by Representatives Mulliken and Dunn

Amending the Constitution to prohibit courts from imposing new policy or fiscal responsibilities on political subdivisions of the state.

Proposes an amendment to the state Constitution to prohibit courts from imposing new policy or fiscal responsibilities on political subdivisions of the state.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

Senate Bills

SB 5015-S by Senate Committee on Judiciary (originally sponsored by Senators Morton, McCaslin and Gardner)

Modifying the definition of border area.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 66.08.195 to provide that "border area" means any incorporated city or town, or unincorporated area, located within seven miles of the Washington-Canadian border or any unincorporated area that is a point of land surrounded on three sides by saltwater and adjacent to the Canadian border.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5017-S by Senate Committee on Judiciary (originally sponsored by Senators Franklin, Winsley and Regala)

Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the drugs ephedrine, pseudoephedrine, and phenylpropanolamine, which are used in the illegal manufacture of methamphetamine, have been identified as factors in the increase in the number of illegal methamphetamine labs.

Declares an intent to place restrictions on the sale and possession of those three drugs in order to reduce the proliferation of illegal methamphetamine laboratories and the associated threats to public health and safety.

Provides that any manufacturer or wholesaler who sells, transfers, or otherwise furnishes any substance specified in RCW 69.43.010(1) to any person in a suspicious transaction shall report the transaction in writing to the state board of pharmacy.

Provides that any person specified in this act who does not submit a report as required is guilty of a gross misdemeanor.

Declares that it is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, knowingly to sell, transfer, or to otherwise furnish, in a single transaction: (1) More than three packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(2) A single package of any product that he or she knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

Declares that it is unlawful for a person who is not a manufacturer, wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire, in any twenty-four hour period, more than the quantities of the substances specified in this act.

Declares that a violation of these provisions is a gross misdemeanor.

Declares that any person who possesses more than fifteen grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of those substances, is guilty of a gross misdemeanor.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5154-S by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Roach, Constantine, Kohl-Welles and Winsley)

Creating the Washington state civil rights act of 2001.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that every governmental entity that, under color of a statute, ordinance, regulation, custom, or usage, subjects or causes to be subjected, a citizen, inhabitant, or domiciliary of the state of Washington to the deprivation of any rights, privileges, or immunities secured by the Constitution of the state of Washington, is liable to the person injured in an action at law, suit in equity, or other proper proceeding for the redress.

Provides that a person deeming himself or herself injured by any act in violation of this chapter may recover all damages sustained including, but not limited to, damages or remedies made available under the civil rights act of 1871 (42 U.S.C. Sec. 1983). Punitive damages, however, may not be recovered unless there is a separate statutory basis.

Declares that the common law doctrine of qualified immunity may not be applied to shield any governmental entity from an action under this act.

Provides that, if a person has recovered damages, under the civil rights act of 1871 (42 U.S.C. Sec. 1983), for the conduct or actions of a governmental entity, he or she may not also recover under this act.

Declares an intent that persons who are injured by a violation of the state Constitution are eligible for redress, that future violations of the state Constitution be deterred thereby, and that this statute be construed liberally for the accomplishment of its declared purpose in this act.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Referred to Ways & Means.

SB 5175-S by Senate Committee on Judiciary (originally sponsored by Senators Kline, Long, Roach, Fairley, Patterson, Constantine and Kohl-Welles)

Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that all court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed.

Declares that all court-ordered restitution obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the court may extend the criminal judgment an additional ten years for payment of court-ordered financial obligations.

Provides that, if the party or entity for whom a courtordered restitution obligation has been entered pursuant to this title seeks to enforce the judgment as a lien on real estate, he or she shall commence a lien of judgment upon the real estate of the judgment debtor/obligor as provided in RCW 4.56.200.

Requires that, when any court-ordered restitution obligation entered pursuant to this title is paid or satisfied, the clerk of the court of limited jurisdiction in which the restitution obligation was ordered shall note upon the record of the court of limited jurisdiction satisfaction thereof including the date of the satisfaction.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5180-S by Senate Committee on Judiciary (originally sponsored by Senators Costa, McCaslin, Haugen, Sheahan, Roach, Rasmussen and Kline; by request of Criminal Justice Training Commission)

Modifying provisions pertaining to the certification of peace officers.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, as a condition of continuing employment as peace officers, all Washington peace officers: (1) Shall timely obtain certification as peace officers, or timely obtain certification for exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (2) shall maintain the basic certification as peace officers under chapter 43.101 RCW.

Directs the commission to certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

Provides that the commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (1) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (2) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (3) is not denied certification by the commission under this chapter; and (4) has not had certification revoked by the commission.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Referred to Ways & Means.

SB 5241-S by Senate Committee on Judiciary (originally sponsored by Senators

Johnson, Constantine, Sheahan, Kline, Costa, Zarelli and Roach)

Changing provisions relating to venue.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 3.66.040 and 4.12.020 relating to venue.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second

Passed to Rules Committee for second reading.

SB 5369-S by Senate Committee on Judiciary (originally sponsored by Senators Kline, Long and Costa; by request of Department of Social and Health Services)

Revising provisions for jurisdiction in child support matters.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions for jurisdiction in child support matters.

Repeals RCW 74.20A.058.

-- 2001 REGULAR SESSION --

Feb 7 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second

Passed to Rules Committee for second reading.

SB 5886 by Senators Long and Hargrove

Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW.

Finds that when experts or professional persons for the state examine a defendant under chapter 10.77 RCW, the use of multiple evaluators rarely results in differing reports.

Finds that the requirement of at least two experts or professional persons may place a barrier to conducting evaluations in local jails in some jurisdictions because of the strain it places on staffing resources at the state hospital.

Finds that when evaluations cannot be done in the local jail there is additional pressure placed on state hospital capacity and less time to restore competency.

Declares an intent to remove the double staffing barrier in those cases where the parties agree that the state needs only one evaluator.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Human Services & Corrections.

SB 5887 by Senators Kohl-Welles, West and Sheahan; by request of University of

Washington

Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements.

Finds that certain transactions by institutions of higher education that are conducted in compliance with federal regulations governing research are currently exempt from certain laws governing ethics in public service.

Declares an intent to clarify that the exemption in RCW 42.52.030(2) also applies to technology transfer licensing agreements and that provisions of RCW 42.52.120(2) relating to open and competitive bidding do not apply to transactions exempt under RCW 42.52.030(2).

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Higher Education.

SB 5888 by Senators Gardner, Spanel and Honeyford

Revising the qualifications of a legal newspaper.

Requires the paper to hold a periodical class or standard class mailing permit.

Requires a newspaper holding a standard class mailing permit to have printed legal notices of the federal government for a period of at least two years prior to application, is distributed by the United States postal service to at least twenty percent of households within its primary circulation area, and is published within fifteen miles of an international border.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to State & Local Government.

SB 5889 by Senators Jacobsen and Constantine

Concerning the updating of city and county shoreline master plans.

Provides for the updating of city and county shoreline master plans.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Natural Resources, Parks & Shorelines.

SB 5890 by Senator Jacobsen

Creating the shoreline management act of 2001. Introduced by title and introductory section only.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Natural Resources, Parks & Shorelines.

SB 5891 by Senator Jacobsen

Creating the shoreline management improvement act of 2001.

Introduced by title and introductory section only.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Natural Resources, Parks & Shorelines.

SB 5892 by Senators Patterson, McCaslin, Brown, Sheahan, Horn, Haugen and Gardner; by request of Secretary of State

Funding local records management.

Requires the division of archives and records management to establish a competitive process to solicit and prioritize project proposals for potential funding by surplus funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only.

Provides that the advisory committee established under RCW 40.14.027 will review proposals and establish a prioritized list of projects to be considered for funding by September 1st of each odd-numbered year, beginning in 2001.

Repeals 1996 c 245 s 2 (uncodified).

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to State & Local Government.

SB 5893 by Senators McCaslin, Haugen, Sheahan, Horn and Gardner; by request of Secretary of State

Increasing the surcharge on county auditor recording fees.
Increases the surcharge on county auditor recording fees from one dollar to two dollars.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to State & Local Government.

SB 5894 by Senators Patterson and Rossi

Modifying the taxation of lodging.

Amends RCW 82.04.050 to modify the taxation of lodging.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Ways & Means.

SB 5895 by Senators Swecker and Hochstatter

Prohibiting the unreasonable regulation of small scale mining and prospecting.

Prohibits the unreasonable regulation of small scale mining and prospecting.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Natural Resources, Parks & Shorelines.

SB 5896 by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala

Providing for DNA testing of evidence.

Provides for DNA testing of evidence.

Provides that the act shall be null and void if appropriations are not approved.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

SB 5897 by Senators Rasmussen, Shin, Parlette, Hale, Hewitt and Kohl-Welles

Increasing the international trade of Washington state agricultural products.

Finds that the export market for Washington's agricultural products has dropped significantly in recent years and that such a drop has negatively impacted the economy in Washington's agricultural regions.

Declares an intent to enhance Washington's international trade of agricultural products by increasing funding for the Washington state department of agriculture's international marketing program in an effort to promote marketing of Washington's products and to assist the agricultural industry in efforts to reduce trade barriers that stand in the way of trade in new and emerging markets.

Makes appropriations to carry out the purposes of the act.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & International Trade.

SB 5898 by Senators Prentice, Fairley, Costa and Kohl-Welles

Revising cause for eviction under the landlord-tenant act.

Amends RCW 59.18.180 to revise the cause for eviction under the landlord-tenant act.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

SB 5899 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford, Eide, Rasmussen and Haugen

Changing provisions relating to expanding public water systems.

Amends RCW 90.03.386 relating to water right place of use and purpose of use for expanding public water systems.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5900 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford and Eide

Changing public water system water right certification provisions.

Provides that an appropriation evidenced by any water right certificate issued before the effective date of this act and held by a municipal water supplier shall be considered a certificated water right in good standing where:

- (1) The water has been actually used; or
- (2) The water is needed for reasonably anticipated future needs.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5901 by Senators B. Sheldon, Hale, Oke, Morton, Honeyford, Eide and T. Sheldon

Eliminating certain restrictions on water system interties.

Amends RCW 90.03.383 to eliminate certain restrictions on water system interties.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5902 by Senators Rasmussen, Sheahan, Hochstatter and Snyder

Regulating agricultural commodity commissions.

Revises provisions for the regulation of agricultural commodity commissions.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Agriculture & International Trade.

SB 5903 by Senators Winsley, Franklin, Costa and Thibaudeau

Changing physician license fees.

Provides that a contract entered into under this act shall be financed by a surcharge of not less than twenty-five and not more than thirty-five dollars per year on each license renewal or issuance of a new license to be collected by the department of health from every physician and surgeon licensed under chapter 18.71 RCW in addition to other license fees. These moneys shall be placed in the

impaired physician account to be used solely for the implementation of the impaired physician program.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Health & Long-Term Care.

SB 5904 by Senators Morton and Rasmussen

Revising procedures for conservation district elections.

Revises procedures for conservation district elections.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to State & Local Government.

SB 5905 by Senators Prentice, Swecker and Winsley

Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988.

Provides that, in any legal action brought by a federally recognized Indian tribe against the state of Washington seeking remedies set forth in the federal Indian gaming regulatory act of 1988, 25 U.S.C. Sec. 2701 et seq., or seeking the enforcement of the terms of a tribal/state compact adopted under the federal Indian gaming regulatory act of 1988, 25 U.S.C. Sec. 2701 et seq. for, the state hereby consents to the jurisdiction of the United States district court for the eastern or western district of Washington or the state court in which the action was commenced, conditioned upon a similar limited waiver of sovereign immunity by the Indian tribe bringing such action.

-- 2001 REGULAR SESSION --

Feb 6 First reading, referred to Labor, Commerce & Financial Institutions.

SB 5906 by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles

Creating the technology in education task force.

Requires the technology in education task force to develop recommendations about the use of technology and recommendations about funding technology in the schools after conducting a study. The study shall focus on the application of technology in grades three through twelve. The study shall be completed not later than November 1, 2001, and the recommendations shall be submitted to the education and fiscal committees of the house of representatives and the senate.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Education.

SB 5907 by Senators Rasmussen, Winsley, Franklin, Deccio and Regala

Regulating physical therapist assistants.

Provides that the board shall waive the examination and grant a license to a person who is practicing as a physical therapist assistant in this state on the effective date of this act, if the board determines that the person meets commonly accepted standards for practicing as a physical therapist assistant, as established by rule. Persons eligible for licensure as a physical therapist assistant under this act shall apply for a license under RCW 18.74.040 before December 1, 2001.

Provides that an applicant for a license as a physical therapist assistant shall have the following minimum qualifications:

- (1) Be of good moral character;
- (2) Be a graduate of a physical therapist assistant education program accredited by an agency approved by the board; and
- (3) Have successfully passed the national examination approved by the board.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Health & Long-Term Care.

SB 5908 by Senator Fraser

Regarding changes in agricultural production.

Declares that a change in agricultural production shall not be considered change in purpose of use under this act, so long as the change does not increase the annual consumptive quantity of water use under the water right.

Authorizes a change in agricultural production to be made following consultation with the department of ecology to determine whether there will or will not be an increase in the annual consumptive quantity of water use under the water right.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5909 by Senators Fraser, Regala, Spanel and Thibaudeau

Revising financial responsibility requirements for vessels.

Finds that the current financial responsibility laws for vessels and facilities are in need of update and revision. These changes are necessary due to the increased risks of spills, the length of time that has passed since the current standards were put in place, the recent changes that have occurred in federal statutory and case law, the comparative

standards of other western states, and the recent experiences of other states with spills.

Encourages the department of ecology to work with the States/British Columbia oil spill task force, which was created by a memorandum of cooperation signed in 1989, to seek uniformity in the standards of financial responsibility for vessels and facilities.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5910 by Senators Fraser and Honeyford

Regarding temporary nonuse of a water right.

Provides that trust water rights may be expressly conditioned by the grantor to include all or portions of existing water rights as trust water rights on a temporary basis as a result of temporarily reduced water need where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, or the presence of water from a source not within the control of the water user, so long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5911 by Senator Fraser

Certifying water rights examiners.

Provides that, by June 30, 2002, the department must adopt rules to establish certification procedures, qualifications, fees, and other requirements for certified water rights examiners.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5912 by Senators Fraser, Morton, Regala, Patterson, Oke, Kohl-Welles and Haugen

Siting energy facilities.

Declares an intent of this act to:

- (1) Modify siting procedures to emphasize early identification and resolution of issues with the participation of all the interested public, with the objective of decreasing reliance on costly trial-like adjudicatory proceedings;
- (2) Provide for state review of energy facility site applications through procedures that are more expeditious and predictable than the current procedures;
- (3) Provide greater deference to the siting standards adopted by the local jurisdictions in which the facilities are sought to be sited;
- (4) Provide for greater consideration of statewide energy needs and interests, as reflected in the state's energy strategy and policies, when facility siting applications are reviewed by the council;
- (5) Decrease the size of the council and change its membership from that composed exclusively of state agency representatives to a governor-appointed citizen council, while providing the council the means to obtain the siting expertise of state agencies; and

(6) Authorize siting procedures that provide the public a clearer and more meaningful process for participating in review of siting applications.

Appropriates the sum of dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2001, from the general fund to the department of community, trade, and economic development for the purposes of implementing section 32 of this act.

Appropriates the sum of dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2002, from the general fund to the department of community, trade, and economic development for the purposes of implementing section 32 of this act.

Repeals provisions of chapter 80.50 RCW.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5913 by Senator Fraser

Allowing public utility tax deductions for improvements that result in more efficient use of water.

Authorizes public utility tax deductions for improvements that result in more efficient use of water.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5914 by Senator Fraser

Concerning water rights on family farms.

Provides that transfers of water rights established as family farm permits under this chapter may be approved as authorized under this section and under RCW 90.03.380, 90.03.390, or 90.44.100 or chapter 90.80 RCW as appropriate.

Declares that a certificate of water right must be issued to the holder of a family farm permit, a publicly owned land permit, or a public water entity permit in accordance with RCW 90.03.330 after and to the extent that water has been put to beneficial use. However, a person holding a family farm permit must not be issued a water right certificate until the person has divested controlling interest in all irrigated acreage exceeding two thousand acres.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5915 by Senators Patterson and Regala

Selecting wetlands mitigation projects.

Requires regulatory agencies with jurisdiction over wetlands compensatory mitigation projects to evaluate the adequacy of hydrological information presented by a project proponent to determine the likelihood of success of the project. Authorizes the agency to require a hydrological assessment of the site.

Requires the hydrological assessment to be sufficiently detailed to demonstrate that the mitigation site will attain a hydrologic regime to meet the goals presented in the proponent's compensatory mitigation project.

Provides that, if a proposed wetlands compensation project targets specific functions, the hydrological assessment must demonstrate that the site will achieve a hydrologic regime needed to develop and support these functions.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Environment, Energy & Water.

SB 5916 by Senators Parlette, Haugen, B. Sheldon, Oke, T. Sheldon, Morton, Hewitt and Kohl-Welles

Making a vehicular assault or homicide within a construction zone an aggravating circumstance.

Makes a vehicular assault or homicide within a construction zone an aggravating circumstance.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.

SB 5917 by Senators Prentice, Winsley, Benton, Rasmussen and Gardner

Describing worker rights under industrial insurance.

Requires notification of worker rights under industrial insurance.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Labor, Commerce & Financial Institutions.

SB 5918 by Senators Spanel, Winsley, Kohl-Welles and Gardner

Authorizing a county real estate excise tax.

Provides that the legislative authority of any county may impose an additional excise tax on the purchase and sale of real property in the county at the rate of one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for the development of affordable housing including acquisition, building, rehabilitation, and maintenance and operation of housing for very low, low, and moderate income persons and those with special needs.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Ways & Means.

Senate Joint Memorials

SJM 8014 by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

Requests improvement to employment and training services for disabled persons.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Labor, Commerce & Financial Institutions.

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SJR 8211	Supp.	20
SJR 8212	Supp.	20
SJR 8213	Supp.	21
SCR 8400	Supp.	1
SCR 8401	Supp.	3
SCR 8402	Supp.	3
SCR 8403	Supp.	3
SCR 8404	Supp.	4
SCR 8405	Supp.	5
SCR 8406	11	8
SCR 8407	Supp.	10
SCR 8408	Supp.	11
SCR 8409	Supp.	12.